

NEWARK COALITION FOR LOW
INCOME HOUSING, et. al

Civ. No. 89-13-3(DRD)

Plaintiffs,

NOTICE OF MOTION

v.

NEWARK REDEVELOPMENT AND
HOUSING AUTHORITY, and
ALPHONSO JACKSON, Secretary
Of Housing and Urban Development

To: Ellen Harris
General Counsel
Newark Housing Authority
500 Broad Street
Newark, New Jersey 07102

Neil Gallagher
Assistant U.S. Attorney
970 Broad Street
Newark, New Jersey 07102

Counsel:

Please take notice that on November 27, 2006, plaintiffs will move in
the United States District Court before the Honorable Dickinson Debevoise
for the relief to enforce the courts orders and decrees set forth in this Motion.
In support of the Motion, plaintiffs will rely on the brief and appendix
accompanying the motion.

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Plaintiffs move this Court:

A. With respect to Mt. Pleasant Estates to:

1. hold the NHA in contempt of court for failing to comply with the Court order of January 21, 2005;
2. order the NHA to develop a plan to construct 42 replacement units;
3. order that the NHA revise its construction reports to the Court to reflect that 1777 units of housing must be built, to comply with the settlement agreement including 42 units that reflect the loss of units to homeownership at Mt. Pleasant;
4. order an award of attorney fees and costs for litigating this issue.

B. With respect to vacancies and turnaround time:

1. order the NHA to report to the Court on its actions, if any, in response to the Russ Report;
2. order that Ms. Russ evaluate those steps, if any, and report to the Court;
3. order that the NHA improve and maintain conditions at all projects at an acceptable habitable level, so that leasing is not hindered or slowed by a failure of conditions;
4. order the NHA to improve performance so that the vacancy rate is kept under the HUD acceptable level of 3% and that vacancy turnaround time is brought within the 30-day standard;
5. order a merit based search process, designed to appoint qualified effective managers at the poorly managed projects and a highly qualified and effective leader to head the leasing and occupancy department;

6. given that asset management is currently mandated, order that the NHA work with HUD, the Court appointed expert, community groups, and plaintiffs, to assure that it successfully implements asset management with the goal of preserving all the public housing units;
7. order that the Housing Choice Voucher Program be adequately staffed;
8. order, in light of the documented backsliding in management performance on the above measures in the past 2-3 years, that this relief be monitored more regularly by Ms. Russ with reports to the Court at least every three months, including a report on the status of the NHA funding.

C. With respect to the diversion of funds from construction, order that:

1. the NHA restore the diverted \$1.5 million to be used for the construction of NJ 2-49 and NJ2-53.

D. With further respect to construction:

1. that the money allocated for NJ2-49 be increased at least to \$4,063,727, so that NJ 2-49 will be built at the level of the current 2006 Total Cost Development Guidelines;
2. that the money allocated to NJ 2-53 be increased at least by \$2,237,672 so that construction can occur at least in accordance with the current 2006 Total Cost Development Guidelines;
3. that the funds sought in Nos. 2 and 3 above be increased to the 2007 Total Cost Development Guidelines if appropriate funding in accordance with the 2006 TDCs has not been allocated;
4. that the \$1.5 million and any other funds available for the construction of housing be placed in escrow to protect them from further diversion to other uses;

5. that a housing construction receiver be appointed by the Court, to construct the unfinished housing.

Harris David / scc

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Counsel for Plaintiffs

November 15, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the of the foregoing Notice of Motion
has been sent via mail on this day, the 16th day of November, 2006,
addressed as follows:

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